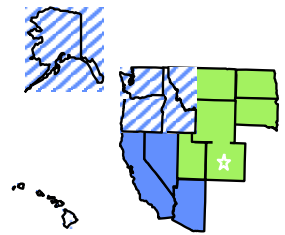




US Army Environmental Center Western Regional Environmental Office REGION 8 – OCTOBER 2005 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations. Please contact Bob Gurdikian at WREO, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500; Phone: (303) 844-0952, or fax: (303) 844-0951.

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WREO Information About Monthly Reviews

The Monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: jmiller@rma.army.mil. Write "Subscription" in the subject line and include your name and e-mail address.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide the regional reviews of legislative and regulatory issues to the Army/DoD in the Western Region. When used within the framework of ISO 14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. The information contained in this review is current as of the 20th day of the previous month.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

EXTENSION OF THE EFFECTIVE DATE FOR 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) FOR EARLY ACTION COMPACT AREAS – The United States Environmental Protection Agency (EPA) finalized the extension of the deferred effective date of air quality designations for 14 areas of the country that have entered into Early Action Compacts ([70 FR 50988](#)). The EPA is extending the deferred effective date of the nonattainment designation for all 14 Early Action Compact areas until December 31, 2006. For more information, contact Paul Josephson, United States Army Environmental Center (USAEC), at (410) 436-1205.

INTERIM GUIDANCE ON CONTROL OF VOLATILE ORGANIC COMPOUNDS IN OZONE STATE IMPLEMENTATION PLANS – The EPA ([70 FR 54046](#)) has published interim guidance on control of volatile organic compounds (VOC) in ozone State Implementation Plans (SIPs). The interim guidance does not change any existing rules, but provides an opportunity to select solvents in a pollution prevention context based on their ozone forming potential. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

APPROVAL UTAH SIP AND OGDEN CITY REVISED CARBON MONOXIDE MAINTENANCE PLAN – The EPA took direct final action ([70 FR 54267](#)) approving SIP revisions submitted by the State of Utah, which incorporate a revised maintenance plan for the Ogden carbon monoxide (CO) maintenance area for the CO NAAQS. Barring any adverse comments, the rule becomes effective on November 14, 2005. For more information, contact Lawrence Webber, USAEC, at (410) 436-1213.

WATER INFORMATION:

None.

WASTE INFORMATION:

STANDARDIZED PERMIT FOR RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) HAZARDOUS WASTE MANAGEMENT FACILITIES – The EPA is finalizing revisions to the RCRA hazardous waste permitting program to allow for a standardized permit ([70 FR 53419](#)). The standardized permit will be available to RCRA treatment, storage, and disposal facilities otherwise subject to RCRA permitting that generate and then store or non-thermally treat hazardous waste on-site in tanks, containers, and containment buildings. This rule

becomes effective on October 11, 2005. For more information, contact Charles Harris, USAEC, at (410) 436-1224.

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OTHER FEDERAL INFORMATION

12-MONTH FINDING ON A PETITION TO LIST THE YELLOWSTONE CUTTHROAT TROUT AS THREATENED OR ENDANGERED – The USFWS announced the opening of a public comment period for a status review of the Yellowstone cutthroat trout ([70 FR 52059](#)). Comments are due October 31, 2005. For more information, contact Jay Rubinoff, USAEC, at (410) 436-1564.

POLICY STATEMENT REGARDING TREATMENT OF HUMAN REMAINS AND GRAVE GOODS – The Advisory Council on Historic Preservation (ACHP) is revisiting its 1988 Human Remains Policy ([70 FR 52066](#)). The ACHP has drafted 6 working principles to guide possible revision of the 1988 Human Remains Policy. Comments are due by November 4, 2005. For more information, contact Virginia Busby, USAEC, at (410) 436-1567.

ARMY ENVIRONMENTAL AWARDS – The Call for Nominations is open for the FY05 Secretary of the Army Environmental Awards Program. The award categories include installation, individual, and team efforts. Nominations are due back to the USAEC by October 14, 2005. <http://aec.army.mil/usaec/publicaffairs/awards00.html>



UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
Qualified Recycling Program Course	Multiple Dates	Multiple Sites	The course provides training on how to identify and market recyclable materials. The course is for any individual associated with an installation recycling program or DoD precious-metals recovery program. www.almc.army.mil/EMD/Page5.html
EPA Training Courses	Multiple Dates	Multiple Sites	The EPA continually offers regional and national training opportunities on a variety of subjects. www.trainex.org
Certified Infrastructure Preparedness Specialist Course	October 17 – 19, 2005	Las Vegas, NV	This program is designed to educate attendees in matters of disaster management, planning and response as detailed in the federal National Incident Management System (NIMS). www.ojp-usa.us
Annual Conference on Soils, Sediments and Water	October 17 – 20, 2005	Amherst, MA	The conference theme is "Expediting and Economizing Cleanups." Live equipment demonstrations will augment the exhibition section which brings real world application to the technical theory and case studies that will be presented in the sessions. www.umasssoils.com
National Registry of Environmental Professionals Annual Conference	October 17-20, 2005	Las Vegas, NV	This year's theme is "Success Express." The conference will present case histories and programs on a wide variety of environmental topics. www.nrep.org .
Army Pest Management Technology In Progress Review Meeting	October 17 – 21, 2005	Linthicum, MD	This meeting is designed for new and veteran Installation Pest Management Coordinators and Pest Management Quality Assurance Evaluators. http://aec.army.mil/usaec/pest/pest03a.html
Water Environment Federation 78th Annual Technical Exhibition and Conference	October 29 – November 2, 2005	Washington, DC	This conference provides insights into developments, regulations, and research regarding water quality challenges. www.weftec.org/index.htm
Forging Partnerships on Emerging Contaminants	November 2-3, 2005	San Diego, CA	This forum, sponsored by DoD and the Environmental Council of the States provides a great opportunity for all stakeholders to cooperatively dialogue and address challenges associated with emerging contaminants and lay out a prioritized course for how the potential health and environmental concerns can be addressed. www.ecos.org/section/groundwater_forum Please note that travel funding may be available for state officials. Contact Carolyn Hanson at (202) 624-3501 or chanson@ssso.org .
Brownfields 2005	November 2-4	Denver, CO	Learn about brownfields cleanup, redevelopment, and reuse. Sponsored by the EPA and the International City/County Management Association. http://www.brownfields2005.org/en/index.aspx
National Groundwater Association Conference	November 7-8, 2005	Houston, TX	This is the third annual remediation costs conference. Topics on optimization and performance modeling have been added to this year's agenda. www.ngwa.org/e/conf/0511075010.shtml
Environmental Negotiation Workshop	November 8-10, 2005 April 18-20, 2006	San Antonio, TX Bremerton, WA	This three-day workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It is intended for military and civilian personnel in environmental compliance, installation restoration, natural and cultural resources that are responsible for communicating and negotiating with other environmental professionals, regulators, and public stakeholders. https://www.cecos.navy.mil/coursedetail.cfm?courseid=20

EVENT	DATE	LOCATION	DETAILS
Partners in Environmental Technology Technical Symposium & Workshop	November 29 – December 1, 2005	Washington, DC	The event will address efforts to ensure the sustainability of military testing and training ranges and reduce current and future environmental liabilities. www.serdp.org/sumposiums/symposiums.html
Archeological Resources Protection Training Program	January 30 – February 3, 2006	Port Hueneme, CA	This class provides training in all aspects of an archeological investigation and subsequent prosecution of the crimes. Topics include Crime Prevention, Archeological Resource Protection Act, Testifying in Court, Investigative Methods, and Archeological Crime Scene Investigations. For more information, email david.pease@navy.mil .
2006 Environmental Cleanup Workshop	January 31– February 2, 2006	San Antonio, TX	This workshop highlights installation cleanup programs including active, BRAC, and FUDS.
Health Risk Communication Workshops	February 21-23, 2006	Honolulu, HI	The Risk Communication Training Program prepares defense agencies, uniformed services, and veteran services personnel to interact better with both internal and external audiences in sensitive and challenging situations related to encroachment, sustainability, environmental, and other topics. http://chppm-www.apgea.army.mil/risk
	July 5-7, 2006	San Antonio, TX	
	August 22-24, 2006	Colorado Springs, CO	

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

REVISIONS TO REGULATION 3 – The Colorado Department of Public Health and Environment (CDPHE) is proposing to revise stationary source permitting regulations that repeal the clean unit exclusion provisions, the pollution control project provisions and record keeping provisions regarding requirements for sources to maintain records of actual-to-projected actual emission calculations if a source has a “reasonable possibility” of causing a significant emissions increase. The CDPHE will hold a public hearing to consider adoption of the proposed revisions on November 17, 2005. Comments are due on November 3, 2005. For more information, contact Melanie Loyzim at (303) 692-3147. The rulemaking website is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1451.

REVISIONS TO REGIONAL HAZE RULE – The Air Quality Control Commission (AQCC) will consider a proposal to adopt a new Part G to Regulation Number 3 regarding the regional haze Best Available Retrofit Technology (BART) rule. A hearing will be held on December 15, 2005. For more information, contact Kirsten King at (303) 692-3111.

REVISIONS TO REGULATION NUMBER 11 – The CDPHE is proposing revisions to Regulation 11 regarding the Motor Vehicle Emissions Inspection Program to reflect changes made through 2005 House Bill (HB) 1214. The changes would reduce the time in which a motorist can seek compliance with the regulation when bringing a car into Colorado from another state from 30 to 15 days. For more information, contact Kim Livo at (303) 692-3134. The rulemaking website is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1450.

DENVER OZONE EARLY ACTION COMPACT – The AQCC will consider proposed revisions to the Ozone Early Action Compact to incorporate a requirement to conduct periodic review of the emission control strategies outlined in the Ozone Action Plan. A hearing is scheduled for December 15, 2005. For more information, contact Lisa Silva at (303) 692-3119.

REVISIONS TO AIR PERMITTING – The AQCC will consider revisions to Regulation 9 to revise the program cost used to calculate fees for the Smoke Management Program. The AQCC will also consider proposed revisions to Regulation Number 3 to insert previously adopted text into the Smoke Management Program. A hearing is scheduled for December 15, 2005. For more information, contact Dan Ely at (303) 692-3228.

AMBIENT AIR QUALITY STANDARDS REGULATION – The AQCC will consider revisions to the Ambient Standards Regulation in support of revisions to the Denver Metropolitan Area CO and particulate matter (PM10) Attainment/Maintenance Plans and to the Longmont Area Carbon

Monoxide Attainment/Maintenance Plan. The proposed revisions set new emission budgets for CO and PM10. The proposed revisions to the plans remove the requirement to implement the motor vehicle emission inspection program and the oxygenated fuels program. A hearing is scheduled for December 15, 2005. For more information, contact Lisa Silva at (303) 692-3119.

WATER INFORMATION:

BASIC STANDARDS AND METHODOLOGIES FOR SURFACE WATER – The CDPHE has adopted revisions to its basic standards and methodologies for surface water, Regulation 31. The revisions to Regulation 31 were adopted at a hearing held on August 8, 2005. They have an effective date of December 31, 2005. For more information, contact Diana Glaser at (303) 692-3469.

TRIENNIAL REVIEW FOR REVISIONS TO THE SAN JUAN AND GUNNISON RIVER BASINS - The Water Quality Control Commission (WQCC) is considering revisions to the San Juan and Dolores River Basin and Gunnison and Lower Dolores River Basins water quality classifications and numeric standards outlined in Regulations 34 and 35. The rulemaking process had previously been on hold until June 2006. However, the WQCC has included the proposed revisions for consideration at a “written comment only hearing” to be held on December 12, 2005. Comments are due October 13, 2005. For more information, contact Diana Glaser at (303) 692-3469.

<http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/informational/Scoping/NoticeSH3435.pdf>

AMENDMENTS TO REGULATIONS 61 AND 84 - The CDPHE adopted revisions to Regulation 61, Colorado Discharge Permit System Regulations and Regulation 84, Reclaimed Domestic Wastewater Control Regulation. The amendments were adopted at a hearing held on August 8, 2005 and are pending final publication in the Colorado Register. For more information, contact Wes Carr at (303) 692-3613. <http://www.cdphe.state.co.us/hm/asbestos.htm>

DEVELOPMENT OF THE 2006 303(D) LIST – The CDPHE is discussing the development of the 2006 303(d) list. The final listing methodology for the 2006 list has been released. A partial list of waterbodies proposed for inclusion on the 2006 list was released on September 1, 2005. The draft list is scheduled to be approved for filing on October 11, 2005. For more information, contact Phil Hegeman at (303) 692-3500. The final listing methodology is available at [http://www.cdphe.state.co.us/op/wqcc/SpecialTopics/303\(d\)/ListMethFinal.pdf](http://www.cdphe.state.co.us/op/wqcc/SpecialTopics/303(d)/ListMethFinal.pdf).

REVISIONS TO THE WATER BODY SEGMENTATION DESCRIPTIONS IN CLASSIFICATIONS AND NUMERIC STANDARDS FOR VARIOUS RIVER BASINS – The CDPHE is proposing to revise the water body segmentation descriptions in Classifications and Numeric Standards for the Arkansas River Basin; Upper Colorado River Basin and North Platte River; for Lower Colorado River Basin; South Platte River Basin; Laramie River Basin; Republican River Basin; and Smoky Hill River Basin. The CDPHE will hold a rulemaking hearing on December 12, 2005. Comments are due October 13, 2005. For more information, contact Sarah Johnson at (303) 692-3609. <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/rulemaking/Written%20Comment/NoticeSeg1.pdf>

DEVELOPMENT OF TOTAL MAXIMUM DAILY LOADS (TMDLs) FOR CLEAR CREEK – The CDPHE has released draft TMDLs for Clear Creek. The draft lists the creek for copper and zinc.

Data has been collected and CDPHE is currently in the data analysis phase. For more information, contact Eric Oppelt at (303) 692-3608.

REGULATION 65 TRIENNIAL REVIEW FOR DISCHARGE TO STORM SEWERS - The WQCC has adopted revisions to Regulation 65 regarding discharges to storm sewers clarifying that a permit is required for all discharges into a storm sewer other than pollutants found in naturally occurring stormwater runoff. The amendments became effective on October 2, 2005. For more information, contact David Akers at (303) 692-3591. The regulations are available at <http://www.cdphe.state.co.us/op/regs/waterregs/100265dischargetoStormSewers.pdf>.

AMENDMENTS TO THE COLORADO INSTREAM FLOW AND NATURAL LAKE LEVEL PROGRAM – The Colorado Water Conservation Board (WCB) is proposing to adopt amendments to the Colorado Instream Flow and Natural Lake Level Program that would allow the WCB to temporarily acquire water rights for instream flow use under certain conditions. The WCB will hold a public hearing in mid-November 2005 to consider adoption of the proposed amendments. Comments are due October 10, 2005. For more information, contact Rod Kuharich at (303) 866-3534.

WASTE INFORMATION:

AMENDMENTS TO RULE REGARDING ASBESTOS AND ASBESTOS-CONTAMINATED SOIL – The CDPHE is preparing changes to the Solid Waste Regulations, which govern the disposal of asbestos containing waste. In addition, CDPHE is developing requirements for the management of asbestos-contaminated soils. A guidance document is also under development. A final work session to address the proposed changes to the solid waste regulations was held on September 9, 2005. For more information, contact Joe Schieffelin at (303) 692-3356.

AMENDMENTS TO THE HAZARDOUS WASTE REGULATIONS - The CDPHE is proposing amendments to the Hazardous Waste regulations regarding requirements for used oil storage, contingency plans, transfer facilities, hazardous waste listing, and generator treatment and land disposal restrictions. Staff report that the changes were approved at a hearing held on August 16, 2005 and will have an effective date of October 31, 2005. Amendments to transfer facility requirements that require the owner or operator of a transfer facility to maintain documentation to verify compliance with the 10-day storage limit requirements were tentatively approved. An additional 30 day comment period will be held. The amendment is expected to be presented to the Hazardous Waste Commission on October 18, 2005. For more information, contact Randy Perila at (303) 692-3364. Notice of the proposed changes to the used oil storage requirements is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1346. Notice of the proposed changes to the contingency plan requirements is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1345. Notice of the proposed changes to the transfer facility requirements is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1344. Notice of the proposed changes to the hazardous waste listing requirements is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1343. Notice of the proposed changes to the generator treatment and land disposal restriction requirements is available at http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1342.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 12, 2005 and ended on May 9, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.co.us/>.

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MONTANA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

AMENDMENTS TO THE PERMIT APPLICATION REVIEW PROCEDURES – The Montana Department of Environmental Quality (DEQ) is proposing changes that would allow the DEQ to extend the comment period on draft permits and the date of final permit decision issuance in certain situations by 15 days. The Board of Environmental Review will consider adoption of the proposed revisions on October 3, 2005. Comments are due October 10, 2005. For more information, contact David Rusoff at (406) 444-2626. The notice of proposed rulemaking is available at <http://www.deq.state.mt.us/dir/legal/Notices/17-228.pro.pdf>.

WATER INFORMATION:

None.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 3, 2005 and ended on April 21, 2005. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

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NORTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

None.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 4, 2005 and ended on April 29, 2005. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

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SOUTH DAKOTA

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

CORSICA LAKE TMDL – The South Dakota Department of Environment and Natural Resources (DENR) is determining the total maximum daily load (TMDL) for Corsica Lake in the Missouri River Basin. The DENR is assessing its trophic state index based on chlorophyll, phosphorous, and sechi disk. The TMDL was released for public comments, which was due September 23, 2005. For more information, contact Gene Stueven at (605) 773-3296.

DESIGNATION OF BENEFICIAL USES FOR WATERBODIES IN FIVE BASINS – The DENR has designated beneficial uses for the following waterbodies in five basins: Minnesota River Tributaries - Labolt Creek (semi permanent fish life and limited contact recreation); Big Sioux River Basin - Skunk Creek, West Pipestone Creek and Big Ditch Creek (all warmwater marginal fish life and limited contact recreation); Cheyenne River Basin - Beaver Creek (coldwater permanent fish life and limited contact recreation); Belle Fourche River Basin - Redwater and Rubicon Gulch Creeks (coldwater permanent fish life and limited contact recreation); and Vermillion River Basin - Blind Creek (warmwater marginal fish life and limited contact recreation). The redesignations became effective for purposes of state enforcement on September 6, 2005. No schedule for submittal to USEPA is currently available. For more information, contact Patrick Snyder at (605) 773-4729.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began on January 11, 2005 and ended March 22, 2005. For information on the 2005 legislative session, link: <http://legis.state.sd.us/index.cfm>.

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UTAH

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

ADOPTION BY REFERENCE OF FEDERAL HAZARDOUS AIR POLLUTANT STANDARDS – The Utah Department of Environmental Quality (DEQ) is proposing to adopt by reference two federal standards for hazardous air pollutants (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters and National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products). The DEQ accepted comments on the proposed amendments through October 3, 2005. The amendments are expected to be adopted in November 2005. For more information, contact Matt Carlile at (801) 536-4136. The proposed amendments are available at http://www.airquality.utah.gov/ADMIN/Outreach/publiccomment/pdf-files/2005/pdf_files_Aug05/r307-214.pdf.

ASSUMPTION OF PRIMACY FOR LEAD-BASED PAINT PRE-RENOVATION EDUCATION RULE – The DEQ is proposing to incorporate federal regulations that will assume primacy over the lead-based paint pre-renovation education rule. The DEQ is accepting comments through October 3, 2005. The rule is scheduled to be adopted in November 2005. For more information, contact Matt Carlile at (801) 536-4136. The proposed rule is available at http://www.airquality.utah.gov/ADMIN/Outreach/publiccomment/pdf-files/2005/pdf_files_Aug05/r307-840.pdf.

WATER INFORMATION:

None.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began January 17, 2005 and ended March 2, 2005. For information on the 2005 legislative session, link: <http://www.le.state.ut.us/>.

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WYOMING

REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

AIR INFORMATION:

None.

WATER INFORMATION:

None.

WASTE INFORMATION:

None.

LEGISLATIVE DEVELOPMENTS

The 2005 legislative session began January 11, 2005 and ended March 4, 2005. For information on the 2005 legislative session, link: <http://legisweb.state.wy.us>.

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